

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Tracking of
(Identify the person to be tracked or describe
the object or property to be used for tracking)
2002 Green Nissan Altima, VIN number:
1N4AL11D82C145961, Wisconsin license plate
number 906-YED located at 1956 S. 23rd St.,
Milwaukee, WI.

Case No. 17-M-221 (7th Ext.)

APPLICATION FOR A TRACKING WARRANT

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of 21 U.S.C. § 841 and 846. Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

- | | |
|---|--|
| <input checked="" type="checkbox"/> The person, property, or object is located in this district. | <input type="checkbox"/> The activity in this district relates to domestic or international terrorism. |
| <input type="checkbox"/> The person, property, or object is not now located in this district, but will be at the time of execution. | <input type="checkbox"/> Other: |

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

- | | |
|---|--|
| <input checked="" type="checkbox"/> evidence of a crime; | <input checked="" type="checkbox"/> contraband, fruits of crime, or other items illegally possessed; |
| <input checked="" type="checkbox"/> property designed for use, intended for use, or used in committing a crime; | <input type="checkbox"/> a person to be arrested or a person who is unlawfully restrained. |

☒ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:
2002 Green Nissan Altima, VIN number: 1N4AL11D82C145961, Wisconsin license plate number 906-YED on, behind or otherwise near the residence located at 1956 S. 23rd St., Milwaukee, WI.

☒ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



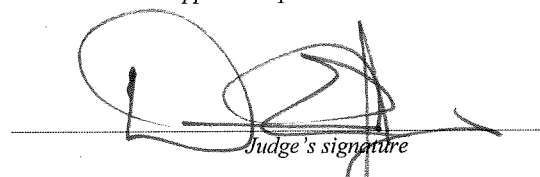
Applicant's signature
Special Agent Ian House, DHS-HSI

Applicant's printed name and title

Sworn to before me and signed in my presence.

Date: Oct. 15, 2018

City and state: Milwaukee, Wisconsin



Judge's signature
David E. Jones, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR THE INSTALLATION AND MONITORING OF A GLOBAL
POSITIONING DEVICE (GPS)

I, Ian House, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

I make this affidavit in support of an application for a warrant allowing the continued monitoring of a global positioning device (GPS) on a 2002 Nissan, model Altima and having the vehicle identification number (VIN) of 1N4AL11D82C145961 (the "Target Vehicle"). The "Target Vehicle" is green in color and bears the Wisconsin license plate number 906-YED. The Department of Motor Vehicle records indicate that the vehicle is registered to a Marleny Cruz (DOB 11-01-1978) and her address is listed as 1956 South 23rd St, Milwaukee WI, 53204.

1. I, as well as other sworn law enforcement personnel, have conducted surveillance at the residence of Jose FACIO-Santos, located at 1956 South 23rd St, Milwaukee, WI, which is also the registered address of the "Target Vehicle." Law enforcement has observed the "Target Vehicle" parked at the residence for long periods of time, and has observed FACIO-Santos primarily driving and repairing the vehicle.

2. I am seeking Court authorization to continue to monitor a GPS on the "Target Vehicle" as I believe that probable cause exists that the "Target Vehicle" is being used by Jose FACIO-Santos, and other members of his organization, to entice individuals to travel in interstate commerce to engage in prostitution, in violation of Title 18 United States Code, Section 2422(a); and possession of a firearm by an alien, in violation of Title 18 United States Code, Section 922(g)(5)(A).

3. I am currently a Special Agent with United States Homeland Security Investigations (HSI) under Immigration and Customs Enforcement (ICE), comprised of the former United States Immigration and Naturalization Service (INS) and United States Customs Service. I have been employed by HSI since August 2008. I am currently assigned to the HSI Office of the Resident Agent in Charge (RAC) in Milwaukee, Wisconsin.

4. Prior to my current assignment, I was a United States Customs and Border Protection (CBP) Officer at the Pembina, ND Port of Entry. I was employed by CBP for more than three years from May 2005 to August 2008. While working as a CBP Officer, I was tasked with training new officers regarding the proper procedures relating to identifying and enforcing the Immigration and Customs laws of the United States as well as any federal laws at the international border.

5. Since 2011, I have worked with the Greater Milwaukee Human Trafficking Task Force. In my current employment, I am assigned to investigate alleged violations of the Immigration and Nationality Act (INA) and human trafficking offenses. This includes the enforcement of laws prohibiting the unlawful entry of foreign nationals for the purpose of human trafficking, conducting immoral acts, harboring of illegal aliens for financial gain, narcotics distribution, and money laundering.

6. I have participated in the execution of state and federal search warrants in which controlled substances, drug paraphernalia, drug proceeds, evidence of human trafficking, and financial records were seized. These warrants involved the search of locations ranging from residences and businesses of targets, "stash houses" (houses used to store controlled substances; harbor illegal aliens; or trafficked persons), and vehicles. Evidence searched for and recovered in

these locations have included victims of human trafficking, records pertaining to the expenditures and profits realized there from, monetary instruments, and various assets that were purchased with the proceeds of human trafficking and other illegal activity. I have had numerous discussions with other experienced law enforcement officers, and have conducted and been present at numerous interviews concerning the manner in which traffickers and money launderers operate.

7. In the course of my employment and experience, I have become aware of techniques and practices used by traffickers to avoid detection by law enforcement. Among these techniques are the use of counter surveillance, multiple locations at which to conduct illegal activities, hidden compartments in vehicles used to hide currency, the use of pagers, voice mail, cellular telephones, pay phones, email, and the use of numerous associates and "workers" to further their criminal organization. I have also become aware of the various techniques individuals use to conceal the source or nature of these illegal proceeds. Among the techniques utilized, are the purchase of assets, vehicles, and financial instruments in nominee names using cash and "structuring" transactions to avoid certain reporting requirements of financial institutions. I also know that human traffickers and drug traffickers often use vehicles to deliver money, purchase and deliver narcotics, meet with sources of supply, and facilitate the arrival and departure of potential victims of sex trafficking. Vehicles provide traffickers and those involved in prostitution a more discreet method of transportation and allow them to more easily avoid detection by law enforcement.

8. The facts set forth in this affidavit are from my personal participation in the investigation described below; oral and written reports of other law enforcement officers participating in this and related investigations; and from testimony from confidential sources supporting a dual human trafficking-narcotics investigation into Jose FACIO-Santos' human

trafficking and cocaine and heroin distribution. The investigation to date has included traditional law enforcement methods, including, but not limited to: confidential informants, documentary evidence, and physical surveillance.

FACTS SUPPORTING A GPS WARRANT

9. Because this affidavit is submitted for the limited purpose of securing a warrant for the installation and monitoring of a GPS device on the “Target Vehicle” I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish the necessary foundation for the requested warrant.

10. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Jose FACIO-Santos between at least since November 2014 to the present in the State and Eastern District of Wisconsin, as well as elsewhere, has been involved in a conspiracy to commit sex trafficking, harbor illegal aliens, to transport women across state lines for the purpose of prostitution, and to possess, and sell firearms to illegal aliens. In addition, there is probable cause to believe that Jose FACIO-Santos has and will continue to use the “Target Vehicle” in furtherance of violations of federal law.

11. Jose FACIO-Santos is a Mexican national who was previously removed from the United States as someone who was present in the United States without authorization, in violation of the Immigration and Nationality Act. While in removal proceedings, Jose FACIO-Santos self-identified as a member of the violent street gang Tres Locos, a part of the Sureños 13 violent street gang. Jose FACIO-Santos does not appear to have any known legal employment.

12. I became aware of FACIO-Santos from information provided by the Drug Enforcement Administration (DEA) Office in Milwaukee, WI. The DEA, the Federal Bureau of Investigation (FBI) and I are jointly investigating FACIO-Santos for narcotics, firearms and human

trafficking as well as other federal offenses. Through the course of the investigation, I discovered a large network of individuals operating “brothels” in major cities throughout the Midwest of the United States. This organization is transporting Hispanic females between customers, their brothels and throughout major cities in the United States. The Hispanic females are rotated into different brothels almost every week. Our investigation to date has shown that FACIO-Santos uses his residence (“the Milwaukee Brothel” herein) as a brothel to bring Hispanic females each week and to prostitute them in the Milwaukee area and elsewhere.

13. Through the course of the investigation, law enforcement has witnessed FACIO-Santos depart his residence almost every week for the Milwaukee Intermodal Station, the hub for the Greyhound Bus Lines, and other private and commercial modes of transportation in the “Target Vehicle.” During these trips, FACIO-Santos has either picked up or dropped off a Hispanic female. In addition, law enforcement has witnessed FACIO-Santos transport the Hispanic females to private residences for upwards of 30 minutes before returning to his residence (presumably for a commercial sex transaction for the benefit of FACIO-Santos).

14. In addition, from July 20, 2018 through today, law enforcement has observed FACIO-Santos depart his residence in the “Target Vehicle” and travel to 1929 South 23rd St, Milwaukee, WI. FACIO-Santos would then park the “Target Vehicle” in the alleyway between South 23rd St and South 24th St. FACIO-Santos would remain parked at this location between 3 to 15 minutes. This residence is located on the opposite side of the street from FACIO-Santos’ residence and between the same cross streets of West Burnham and West Rogers Streets. This residence is well within walking distance, regardless of the weather. Law enforcement observed FACIO-Santos would usually travel to this location within a day of a Hispanic female departing his residence. Law enforcement identified one of the occupants of the residence as Ezequiel

RAMIREZ-Pacheco, a Mexican national currently in deportation proceedings. Historically, RAMIREZ-Pacheco has sent thousands of dollars to Mexico through the Western Union money remitter business. Several of these transactions occurred a few days after FACIO-Santos visited RAMIREZ-Pacheco.

15. Law enforcement identified and interviewed a source of information (SOI1). This SOI1 has been prostituted at the Milwaukee Brothel by FACIO-Santos on three different occasions; each time FACIO-Santos prostituted her for his financial gain. SOI1 provided several names and phone numbers of other brothel owners that have sent Hispanic workers to FACIO-Santos from outside the State of Wisconsin. SOI1 stated she was initially asked by these other brothel workers if she desired to work at FACIO-Santos' brothel. She agreed and was sent by bus on two occasions and transported from a brothel from Illinois to Milwaukee, Wisconsin by FACIO-Santos. Law enforcement was able to identify her through a photograph of her exiting the "Target Vehicle" after FACIO-Santos transported her to the Milwaukee Brothel.

16. On Tuesday, August 29, 2017, a Source of Information (SOI2), under the direction of law enforcement, conducted a consensually monitored phone call to FACIO-Santos. FACIO-Santos admitted to the SOI2 that the "workers" (who he explained were women he prostituted) would arrive in Milwaukee via the Greyhound Bus lines. FACIO-Santos stated, in essence, that he would transport them to his residence that also acts as his brothel. He would also transport them to customers should the need arise. FACIO Santos explained that each "date" cost the customer between \$40.00-\$50.00 USD. FACIO-Santos would keep half of the proceeds. SOI2 later explained that if the worker was under the control of a "pimp," the pimp would collect the money from FACIO-Santos at the conclusion of the week. FACIO-Santos would advertise the arrival of a "fresh" woman by sending a sexually suggestive photo of the women to his "regular"

customers. A DEA confidential informant (CI) has received several of these photos from FACIO-Santos and provided them to law enforcement for identification. This CI has assisted HSI, DEA, and FBI in facilitating the purchases of narcotics and firearms from FACIO-Santos. This CI has provided information in the past that has proven to be both reliable and corroborated by law enforcement.

17. This CI also has purchased two semi-automatic rifles from FACIO-Santos on two separate occasions. FACIO-Santos has offered on several occasions to sell the CI several other firearms. In both instances, FACIO-Santos offered to sell a firearm he stated was in the possession of another person. During each purchase by the CI, surveillance agents were unable to discover where FACIO-Santos had obtained possession of the firearm he was selling nor were they able to determine to whom he provided the cash for each firearm subsequent to the purchase.

18. On Tuesday, July 31, 2018, a source of information (SOI), under the direction of HSI and FBI Milwaukee, conducted a consensually monitored phone call to FACIO-Santos to inquire about traveling across state lines the week of August 5, 2018 to be prostituted at the Milwaukee Brothel. FACIO-Santos told her, in substance, that he already had a woman he intended to prostitute that week, but that he could use her at a different date. Investigation revealed that FACIO-Santos was present in the Eastern District of Wisconsin during the monitored phone call.

19. On Sunday, August 5, 2018, FACIO-Santos and a Hispanic female exited his residence and approached the "Target Vehicle." They entered the "Target Vehicle" and departed. The "Target Vehicle" travelled to and parked at the Milwaukee Intermodal Station for approximately 3 minutes before returning to the residence. FACIO-Santos exited the "Target

Vehicle” alone and approach the residence. I believe, based on my training and experience, that this was a woman FACIO-Santos had prostituted the prior week.

20. Later that same day, FACIO-Santos exited his residence and approached the “Target Vehicle.” He entered the “Target Vehicle” alone and departed. FACIO-Santos travelled to and parked on West Rogers St, between South 16th and South 17th Streets. (This location is a location where law enforcement often has observed FACIO-Santos pick up women whom law enforcement believes he intends to prostitute). Law enforcement observed FACIO-Santos met a Hispanic male operating a rented vehicle at this location. Law enforcement observed a Hispanic female exit the rental vehicle along with her belongings and place them in the “Target Vehicle.” The “Target Vehicle” remained at this location for approximately 2 minutes before returning to the residence. FACIO-Santos and a Hispanic female exited the “Target Vehicle” and approach the residence with her luggage. I believe from my training and experience that this woman was being brought to the Milwaukee brothel to be prostituted that week, consistent with the reason he gave the SOI referred to above as to why the SOI could not come that week, that he had already obtained another woman to be prostituted..

21. On Sunday, August 12, 2018, FACIO-Santos and a Hispanic female exited his residence and approached the “Target Vehicle.” They entered the “Target Vehicle” and departed. The “Target Vehicle” travelled to and parked on West Rogers St, between South 16th and South 17th Streets. The “Target Vehicle” remained at this location for approximately 2 minutes before returning to the residence. FACIO-Santos exited the “Target Vehicle” alone and approach the residence. I believe, based on my training and experience, that this was the woman FACIO-Santos prostituted the prior week.

22. Later that same day FACIO-Santos departed his residence and approached the "Target Vehicle." He entered the "Target Vehicle" and departed. The "Target Vehicle" travelled to the vicinity of the El Rey Supermercado, located at 913 Cesar Chavez Blvd, Milwaukee, WI. The "Target Vehicle" remained there for approximately 11 minutes before returning to his residence. FACIO-Santos and a Hispanic female exited the "Target Vehicle." They approached the residence while FACIO-Santos carried her luggage. This conduct is consistent with how FACIO-Santos described the way he brought females to be prostituted at the Milwaukee brothel (see paragraph 16 above). I know from my training and experience that the El Rey Supermercado is one of the stops of the El Tornado Bus that travels from Mexico to the United States.

23. On August 14, 2018, the CI sent law enforcement a photo that was received from FACIO-Santos. It depicted a woman in a suggested position which law enforcement believes FACIO-Santos was sending to his clients to advertise the woman who arrived that week. Indeed it appeared to be the same woman who was seen exiting the "Target Vehicle" on August 12, 2018 as described in paragraph 24 above.

24. On Monday, August 27, 2018, FACIO-Santos exited his residence and approached the "Target Vehicle." He entered the "Target Vehicle" alone and departed. FACIO-Santos traveled to and parked on West Rogers St, between South 16th and South 17th Streets (the previously described pick-up and drop off location). The "Target Vehicle" remained at this location for approximately 4 minutes before returning to the residence. FACIO-Santos and a Hispanic female exited the "Target Vehicle" and approach the residence with her luggage.

25. On Saturday, September 1, 2018, FACIO-Santos exited his residence and approached the "Target Vehicle." He entered the "Target Vehicle" alone and departed. FACIO-Santos traveled to and parked on West Rogers St, between South 16th and South 17th Streets. The

“Target Vehicle” remained at this location for approximately 3 minutes before returning to the residence. FACIO-Santos and a Hispanic female exited the “Target Vehicle” and approach the residence with her luggage.

26. On Sunday, September 9, 2018, FACIO-Santos exited his residence and approached the “Target Vehicle.” He entered the “Target Vehicle” alone and departed. FACIO-Santos traveled to and parked on West Rogers St, between South 16th and South 17th Streets. The “Target Vehicle” remained at this location for approximately 7 minutes before returning to the residence. FACIO-Santos and a Hispanic female exited the “Target Vehicle” and approach the residence with her luggage.

27. On Saturday, September 16, 2018, FACIO-Santos departed his residence with a Hispanic female and approached the “Target Vehicle.” He placed her luggage in the “Target Vehicle” and they departed. The “Target Vehicle” travelled to the vicinity of the General Mitchell International Airport, located 5300 S Howell Ave, Milwaukee, WI. The “Target Vehicle” remained here for approximately 2 minutes before returning to his residence. FACIO-Santos exited the “Target Vehicle” alone and approached the residence.

28. On Saturday, September 16, 2018, FACIO-Santos exited his residence and approached the “Target Vehicle.” He entered the “Target Vehicle” alone and departed. FACIO-Santos traveled to and parked on West Rogers St, between South 16th and South 17th Streets. The “Target Vehicle” remained at this location for approximately 3 minutes before returning to the residence. FACIO-Santos and a Hispanic female exited the “Target Vehicle” and approach the residence with her luggage.

29. On Saturday, September 22, 2018, FACIO-Santos and a Hispanic female exited his residence and approached the “Target Vehicle.” They entered the “Target Vehicle” and departed.

The "Target Vehicle" travelled to and parked on West Rogers St, between South 16th and South 17th Streets. The "Target Vehicle" remained at this location for approximately 6 minutes before returning to the residence. FACIO-Santos exited the "Target Vehicle" alone and approach the residence.

30. On Sunday, September 23, 2018, FACIO-Santos exited his residence and approached the "Target Vehicle." He entered the "Target Vehicle" alone and departed. FACIO-Santos traveled to and parked on West Rogers St, between South 16th and South 17th Streets. The "Target Vehicle" remained at this location for approximately 8 minutes before returning to the residence. FACIO-Santos and a Hispanic female exited the "Target Vehicle" and approach the residence with her luggage.

31. On Saturday, September 29, 2018, FACIO-Santos and a Hispanic female exited his residence and approached the "Target Vehicle." They entered the "Target Vehicle" and departed. The "Target Vehicle" travelled to and parked on West Rogers St, between South 16th and South 17th Streets. The "Target Vehicle" remained at this location for approximately 4 minutes before returning to the residence. FACIO-Santos exited the "Target Vehicle" alone and approach the residence.

32. On September 29, 2018, FACIO-Santos contacted the CI and offered to sell a 22-caliber firearm to the CI. Law enforcement is currently attempting ascertain from whom Facio-Santos has or plans to obtain the firearm and determine if law enforcement will be able to purchase it from FACIO-Santos. Based on my training and experience, I know that those involved in the transportation of illegal weapons will usually use a vehicle to pick up and deliver the firearm.

33. On Sunday, September 30, 2018, FACIO-Santos departed his residence and approached the "Target Vehicle." He entered the "Target Vehicle" and departed. The "Target

Vehicle” travelled to the vicinity of the El Rey Supermercado. The “Target Vehicle” remained here for approximately 3 minutes before returning to his residence. FACIO-Santos and a Hispanic female exited the “Target Vehicle.” They approached the residence while FACIO-Santos carried her luggage.

34. On Saturday, October 6, 2018, FACIO-Santos departed his residence with a Hispanic female and approached the “Target Vehicle.” He placed her luggage in the “Target Vehicle” and they departed. The “Target Vehicle” travelled to the vicinity of the El Rey Supermercado, located at 913 Cesar Chavez Blvd, Milwaukee, WI. The “Target Vehicle” remained there for approximately 6 minutes before returning to his residence. FACIO-Santos exited the “Target Vehicle” alone and approached the Milwaukee Brothel.

35. On Sunday, October 7, 2018, FACIO-Santos departed his residence and approached the “Target Vehicle.” He entered the “Target Vehicle” and departed. The “Target Vehicle” travelled again to the vicinity of the El Rey Supermercado, located at 913 Cesar Chavez Blvd, Milwaukee, WI. The “Target Vehicle” remained there for approximately 8 minutes before returning to his residence. FACIO-Santos and a Hispanic female exited the “Target Vehicle.” They approached the residence while FACIO-Santos carried her luggage.

36. I believe that there is probable cause that Jose FACIO-Santos will use the “Target Vehicle” to facilitate the arrival and departure of potential victims of sex trafficking, to harbor illegal aliens, to entice individuals to travel in interstate commerce to engage in prostitution, and/or transfer and sell firearms to unauthorized persons.

AUTHORIZATION REQUEST

37. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 authorizing periodic monitoring of the tracking

device during both daytime and nighttime hours for a period of 45 days following installation of the device. I am requesting to install a GPS on the "Target Vehicle" for a period of 45 days to allow law enforcement to better understand Jose FACIO-Santos' role, identify others involved in the harboring of illegal aliens, the transportation of women for the purpose of prostitution and the trafficking of females in and out of the United States.

38. The tracking device may produce signals from inside private garages or other such locations not open to the public or visual surveillance.

39. It is further requested that in the event that the subject vehicle travels outside the territorial jurisdiction of the court, the order authorize the continued monitoring of the electronic tracking device in any jurisdiction within the United States, pursuant to 18 U.S.C. § 3117.

40. In order to track the movement of the subject vehicle effectively and to decrease the chance of detection, I seek to place a tracking device in or on the subject vehicle while it is in the Eastern District of Wisconsin. Because the "Target Vehicle" may be parked on private property, it may be necessary to enter onto private property and/or move the subject vehicle in order to effect the installation, repair, replacement, and removal of the tracking device. To ensure the safety of the executing officer(s) and to avoid premature disclosure of the investigation, it is requested that the court authorize installation and removal of the tracking device during both daytime and nighttime hours.

41. I also request that the Court seal this affidavit, application, and warrant until further order of the Court in order to maintain the integrity of the aforementioned investigation. If the target learns that law enforcement is using a Global Positioning System (GPS) tracking device to investigate the target's criminal activity, the target will likely engage in a number of different behaviors to thwart this investigation including the removal of the device, use of different vehicles,

or changes in patterns of travel. In addition, knowledge of this investigation could result in the target fleeing the area and intimidating other persons whom the target suspects may be cooperating with authorities.